

REMARKS/ARGUMENTS

Support for the amendment to Claim 1 is found at specification page 2, lines 5-13.

Claim 2 has been amended to correct a typographical error in the identification of formula (III).¹ Claim 3 has been clarified by indicating that the several variables refer to Formulae I, II and III. Claim 4 has been cancelled. New Claims 6-8 are supported at specification page 13, lines 10-22. New Claim 9 is supported at specification page 14, line 13 – page 16, line 5. New Claims 10-12 are supported by Claim 2. Finally, new Claim 13 is supported by Claim 1 and the several Examples beginning at specification page 21 ff. To the extent the Examiner feels that new method claim 13 should be withdrawn, Applicants respectfully request its eventual rejoinder and note that it relates to a method for preparing the fuel and lubricant additive concentrate of Claim 1 and thus is allowable along with Claim 1. See, for example, *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995). No new matter has been entered.

The above amendments to the claims address the several formal issues presented with regard to Claims 3 and 4. Thus, the claim objection and the rejection under 35 USC 112 should be withdrawn.

The rejection of Claims 1-5 as being anticipated by Pauls is traversed.

Pauls relates to a method for invisibly tagging petroleum products using small amounts of visible dyes. As discussed at column 3, lines 50-55, the dyes may be anthraquinone dyes and azo dyes. Importantly, in Pauls the dye or dyes are dissolved in simple solvents such as xylene, etc. to form normal solutions, which are then added to liquid petroleum hydrocarbons such as diesel fuels, etc. See column 7, lines 18-30, column 10, lines 36-42, and column 11, lines 20-32 of Pauls. Nowhere in the reference is the use of Applicants' at least one carrier oil disclosed or suggested, nor does Pauls suggest the use or

¹ In original Claim 2 Formula (III) was inadvertently referred to as "(II)."'

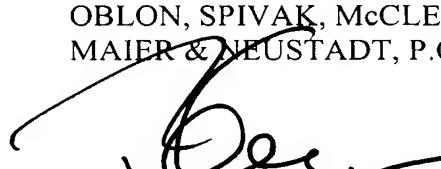
Application No. 10/584,201
Reply to Office Action of April 1, 2009

inclusion of Applicants' presently claimed component c) – an additive selected from the group consisting of detergents, dispersants and valve seat wear inhibitors. Importantly, Pauls thus does not face the issue of concentrate stability in the presence of such additives.

However, and as shown herein, Applicants presently claimed concentrate necessarily faces these challenges and succeeds by providing concentrates which provide excellent stability even upon prolonged storage at elevated temperatures. See, for example, the results presented at specification page 26 ff.

Because Pauls does not disclose or suggest a fuel and lubricant additive concentrate as presently claimed, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections, and the passage of this case to Issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Richard L. Treanor
Attorney of Record
Registration No. 36,379

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)